

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|---------------------------|-------------------------------|
| UNITED STATES OF AMERICA, | : |
| Plaintiff | : |
| | : |
| vs. | : CRIMINAL NO. 1:CR-02-057-02 |
| | : |
| CHRISTOPHER J.C. SPRIGGS, | : |
| Defendant | : |

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On February 19, 2008, Defendant filed a motion under 18 U.S.C. § 3582(c) for a reduction in his sentence under Amendment 706 to the sentencing guidelines. On February 29, 2008, the government filed a response in which it agrees Defendant is entitled to relief, subject to consideration of public safety factors and Defendant's institutional history. On March 24, 2008, the probation office submitted an addendum to the original pre-sentence report which concludes that the Amendment applies to Defendant, addresses the government's concerns and, consistent with the original sentence, recommends that a reduction be granted pursuant to U.S.S.G. § 5K1.1. This results in a recommended sentence of 69 months.

Pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10, the court has also considered the nature and seriousness of the danger to any person or the community that may be posed by a reduction in Defendant's term of imprisonment, Defendant's postconviction conduct, and the factors set forth in 18 U.S.C. § 3553(a). Based on the same, the court adopts the pre-sentence report addendum and finds that a reduction in Defendant's term of imprisonment is supported by these considerations. We therefore conclude that Defendant is entitled to a time-served sentence to expire on April 4, 2008, to recognize the time requested by the Bureau of Prisons to process Defendant for release. We also note that Defendant has waived any right to appear in court for resentencing.

Accordingly, this 25th day of March, 2008, it is ORDERED that:

1. Pursuant to 18 U.S.C. § 3582(c)(2), Defendant's previously imposed sentence of 87 months (imposed on January 28, 2003) is reduced to a sentence of time served as of April 4, 2008.

2. The Bureau of Prisons shall release Defendant from custody on April 4, 2008.

3. Except as provided herein, all provisions of the judgment of January 28, 2003, shall remain in effect.

/s/William W. Caldwell
William W. Caldwell
United States District Judge